

PTO/SB/21 (04-04)

Approved for use through 07/31/2005. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number

10/619,739

Filing Date

July 14, 2003

**RECEIVED  
CENTRAL FAX CENTER**

First Named Inventor

Frederick C. Christians

Art Unit

1634

APR 03 2006

Examiner Name

Sally A. Sakalaris

Total Number of Pages in This Submission

2

Attorney Docket Number

3502.1

**ENCLOSURES (check all that apply)**

- Fee Transmittal Form  
 Fee Attached  
 Amendment / Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Response to Missing Parts/ Incomplete Application  
 Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_

- After Allowance Communication to Technology Center (TC)  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s)  
(please identify below):  
**Response to Restriction Requirement (One page).**

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name

Thomas E. Malone

Signature

Date

4/3/06

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Wayne Szeto

Signature

Date

4/3/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No. 3502.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick C. Christians  
Serial No: 10/619,739  
Filing Date: July 14, 2003  
Title: Synthetic Tag Genes

Examiner: Sally A. Sakelaris  
Art Unit No.: 1634

RECEIVED  
CENTRAL FAX CENTER  
APR 03 2006

## RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the March 3, 2006 Restriction Requirement, the Examiner is requiring an election between the following group of claims:

- I. Claims 1-21 and 28-30, drawn to DNA molecules with at least one Tag gene classified in for example, Class 536, subclasses 23.5, 24.31, and 24.33.
- II. Claims 22-25, drawn to a method of providing a control for an array assay as classified in for example, Class 435, subclass 6.
- III. Claim 26 and 27, drawn to a method of analyzing the expression of Tag genes as classified in for example, Class 435, subclass 6.

Applicants hereby elect without traverse Group I (claims 1-21 and 28-30). The Examiner is further requiring an election of a specific Tag gene sequence from those enumerated in SEQ ID NOS: 1-2066. Applicants hereby elect without traverse the TagI gene sequence (Seq. ID No. 2059). Applicants reserve the right to re-present non-elected claims in a divisional, or other related application.

Applicants believe that no fee is due with the submission of this document. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,

  
Thomas E. Malone  
Reg. No.: 40,078

Date: 4/3/06

Customer No.: 22886